

RECEIVED

MAR 15 1994

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	PR Docket No. 93-61
Commission's Rules to Adopt	)	RM-8013
Regulations for Automatic	)	
Vehicle Monitoring Systems	)	
	)	

#### ADDITIONAL COMMENTS

American Telephone and Telegraph Company ("AT&T") respectfully submits the following additional comments in response to the Public Notice ("Notice") DA 94-129, released February 9, 1994.

The Notice asks for additional comment on the new alternatives for licensing wideband Automatic Vehicle Monitoring ("AVM")<sup>1</sup> systems proposed in ex parte presentations by PacTel Teletrac ("Teletrac") on January 26, 1994 and Southwestern Bell Mobile Systems, Inc. ("SBMS") on February 2 and 7, 1994, and an ex parte

<sup>1</sup> Because the Commission's Notice of Proposed Rulemaking ("NPRM") in this proceeding uses the term Location and Monitoring Service ("LMS") to refer to this service, AT&T likewise uses that term herein. The NPRM proposes to grant permanent authorization for LMS to operate in the 902-928 MHz band in place of the present interim rules (47 C.F.R. § 90.239).

019

response to Teletrac's filing by MobileVision on February 1, 1994.

The ex parte filings confirm AT&T's position that wide area<sup>2</sup> systems do not meet the statutory tests for allocation of spectrum and thus should not be authorized.<sup>3</sup> Specifically, such systems do not meet the statutory standards for improving spectrum efficiency; increasing sharing between different types of users; fostering competition; and serving the largest number of users.<sup>4</sup> As AT&T and many other commenters pointed out, wide area systems cannot share spectrum with other authorized users. This was further confirmed by the technical paper from Virginia Tech submitted in SBMS' February 2 ex parte. That paper concludes (p. 9) that the systems described by Teletrac, SBMS, MobileVision and Pinpoint are significantly vulnerable to interference from Part 15 devices operating much closer to the system's base station than the mobile units operate.

---

<sup>2</sup> As AT&T pointed out (Reply Comments, p. 2, fn. 2), the proper distinction is between systems that transmit over wide versus local areas, rather than the amount of bandwidth used. The wideband systems discussed in the ex parte filings are wide area systems. Other wideband systems transmit only over a local area.

<sup>3</sup> AT&T supported permanent rules for local area systems. The ex parte filings raise no issues regarding such systems.

<sup>4</sup> Communications Act, § 332, 47 U.S.C. § 332.

The ex parte filings also show that wide area systems do not meet the statutory test of furthering competition. As MobileVision pointed out, the new Teletrac filing claiming that two systems can share 10 MHz of spectrum is "nothing less than astounding" because it is directly contrary to Teletrac's earlier position, supported by elaborate technical material, that it needed 8 MHz of spectrum on an exclusive basis.<sup>5</sup> SBMS' proposal for four exclusive 4 MHz licenses likewise does not promote use of scarce spectrum by many operators, as would be required to foster competition and serve the largest number of customers.

Finally, the ex parte filings demonstrate that the record with respect to wide area systems is at best incomplete, inconclusive, and inadequate to support the reasoned adoption of any rules. For example, Teletrac has now repudiated its earlier position on sharing and advanced entirely new proposals<sup>6</sup> and SBMS states that "additional

---

<sup>5</sup> Teletrac had also submitted an economic study claiming that multiple licenses in the same spectrum will cause wasteful duplication of facilities and slow technological progress. Nothing in Teletrac's ex parte filing addresses these issues.

<sup>6</sup> Aside from new rules to implement its new sharing scheme, Teletrac proposes very limited authority to use the spectrum for voice communication, as opposed to the broader authority originally requested. Moreover, Teletrac for the first time proposes using Rand McNally Basic Trading Areas ("BTAs") as the licensing boundaries.

research" has led it to propose shifting the location of its originally proposed 4 MHz blocks. Indeed, MobileVision urges the Commission to hold "an informal technical meeting" among Commission personnel and LMS industry engineers to establish "the type of full technical record on which the future of the LMS industry rules should rest."

The present state of the record regarding wide area systems thus confirms that enough is known now to terminate the interim rules and adopt permanent regulations that do not authorize wide area systems in the 902-928 MHz band. Although AT&T and others were (and presumably remain) willing to participate in appropriate formal or informal industry efforts to elicit further technical information and input about wide area systems, it is clear that there is currently an insufficient basis on which to allocate spectrum or adopt rules authorizing such systems.

CONCLUSION

The ex parte filings confirm that the Commission's rules should not authorize wide area LMS systems in the 902-928 MHz band.

Respectfully Submitted,

AMERICAN TELEPHONE AND TELEGRAPH COMPANY

By



Mark C. Rosenblum  
Kathleen F. Carroll  
Ernest A. Gleit

Its Attorneys

Room 3261B3  
295 North Maple Avenue  
Basking Ridge, New Jersey 07920

Date: March 15, 1994

CERTIFICATE OF SERVICE

I, Geraldine A. Gowers, do hereby certify that on this 15th day of March, 1994, a copy of the foregoing Additional Comments was served by first class United States mail, postage prepaid, to the following parties.

David R. Wiedman  
Vice President - Sales & Marketing  
AccuScan  
P.O. Box 80037  
1540 Highway 138  
Conyers, GA 30208-8037

Frank Dorrance  
Chairman,  
AIM Radio Frequency Identification Committee  
634 Alpha Drive  
Pittsburgh, PA 15238-2802

Edwin N. Lavergne  
Ginsburg, Feldman and Bress  
1250 Connecticut Avenue, NW  
Washington, DC 20036  
Attorneys for the Alarm Device  
Manufacturing Company

John A. Prendergast  
Blooston, Mordkofsky, Jackson & Dickens  
2120 L Street, NW  
Suite 300  
Washington, DC 20037  
Attorneys for the Alarm Industry  
Communications Committee

James S. Marston  
Senior Vice President and  
Chief Information Officer  
American President Companies, Ltd.  
1111 Broadway  
Oakland, CA 94607

Christopher D. Imlay  
Booth, Freret & Imlay  
1233 20th Street, NW  
Suite 204  
Washington, DC 20036  
Attorneys for The American Radio Relay  
League, Incorporated

Kenneth E. Siegel  
Deputy General Counsel  
American Trucking Associations  
2200 Mill Road  
Alexandria, VA 22318

Richard E. Wiley  
David E. Hilliard  
Edward A. Yorkgitis, Jr.  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 10006  
Attorneys for Amtech Corporation

Thomas J. Keller  
Verner, Liipfert, Bernhard,  
McPherson and Hand  
901 15th Street, NW  
Suite 700  
Washington, DC 10005  
Attorneys for Association of  
American Railroads

Kent Britain  
1626 Vineyard  
Grand Prarie, TX 75052

Robert S. Butts  
2825 31st Street, NW  
Washington, DC 10008-3524

Tom Cackette  
Chief Deputy Executive Officer  
State of California  
Air Resources Board  
1010 L Street  
P.O. Box 2815  
Sacramento, CA 95812

Guy S. Kirchhoff  
Hardware Engineering Manager  
CliniCom  
4720 Walnut Street  
Suite 106  
Boulder, CO 80301-2557

Max Rogers  
Chief Engineer  
Cobra Electronics Corporation  
6500 W. Cortland  
Chicago, IL 60635

Lawrence J. Movshin  
Wilkinson, Barker, Knauer & Quinn  
1735 New York Avenue, NW  
Washington, DC 10006  
Attorneys for Domestic Automation Company

James L. Casserly  
Squire, Sanders & Dempsey  
1201 Pennsylvania Avenue, NW  
P.O. Box 407  
Washington, DC 20044  
Attorneys for Electronic Industries  
Association

David C. Jatlow  
Young & Jatlow  
2300 N Street, NW  
Suite 600  
Washington, DC 10037  
Attorneys for Ericsson Corporation

Albert H. Kramer  
Robert F. Aldrich  
Keck, Mahin & Cate  
1201 New York Avenue, NW  
Penthouse Suite  
Washington, DC 20005  
Attorneys for Executone Information  
Systems, Inc.

Frank Carlile  
Assistant Secretary for Transportation Policy  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, FL 52399-0450

Hunter O. Wagner, Jr.  
General Manager  
Greater New Orleans Expressway Commission  
P.O. Box 7656  
Metairie, Louisiana 70010



Michael T. Helm  
Rt 5 Box 188  
Lubbock, Texas 79407

Dwight B. Hill  
266 Norcrest Drive  
Rochester, NY 14617

Gary M. Epstein  
Raymond B. Grochowski  
Latham & Watkins  
1001 Pennsylvania Ave., NW  
Washington, DC 10004  
Attorneys for Hughes Aircraft Company

Ronald A. Siegel  
Allan R. Adler  
Roy R. Russo  
Cohn and Marks  
1333 New Hampshire Avenue, NW  
Suite 600  
Washington, DC 20036  
Attorneys for The Interagency Group

Donald L. Schilling  
Executive Vice President  
InterDigital Communications Corp.  
833 Northern Boulevard  
Great Neck, NY 11021

Neil D. Schuster  
Executive Director  
International Bridge, Tunnel and  
Turnpike Association  
2120 L Street, NW, Suite 305  
Washington, DC 20037

Goldberg, Godles, Wiener & Wright  
1229 Nineteenth Street, NW  
Washington, DC 10036  
Attorneys for Itron, Inc.

Robert B. Kelly  
Kelly, Hunter, Mow & Povich  
1133 Connecticut Ave., NW  
Washington, DC 10036  
Attorneys for IVHS America

William J. Kaiser  
48025 Fremont Blvd.  
Fremont, CA 94538

Lawrence J. Movshin  
Wilkinson, Barker, Knauer & Quinn  
1735 New York Avenue, NW  
Washington, DC 20006  
Attorneys for Knogo Corporation,  
VTech Communications and HTS

David L. Hill  
Audrey P. Rasmussen  
O'Connor & Hannan  
1919 Pennsylvania Avenue, NW  
Suite 800  
Washington, DC 10006  
Attorneys for Location Services

Ronald F. Cunningham  
Vice President,  
Transportation Systems and Services  
Lockheed IMS  
Glenpointe Centre East  
Teaneck, NJ 07666

George Y. Wheeler  
Koteen & Naftalin  
1150 Connecticut Avenue, NW  
Suite 1000  
Washington, DC 10036  
Attorneys for Mark IV IVHS Division

Allan R. McKinnon, Chairman  
Massachusetts Turnpike Authority  
State Transportation Building  
10 Park Plaza, Suite 5170  
Boston, MA 02116

Judd P. Tattershall  
Matson Navigation Company, Inc.  
333 Market Street  
San Francisco, CA 94120

Henry M. Rivera  
Larry S. Solomon  
Ginsburg, Feldman & Bress  
1250 Connecticut Ave., NW  
Washington, DC 10036  
Attorneys for Metricom, Inc.

Marnie K. Sarver  
John J. McDonnell  
Matthew J. Harthun  
Reed Smith Shaw & McClay  
1200 18th Street, NW  
Washington, DC 10036  
Attorney for MobileVision, L.P.

David E. Weisman  
Alan S. Tilles  
Terry J. Romine  
Meyer, Faller, Weisman, and  
Rosenberg  
4400 Jenifer Street, NW  
Suite 380  
Washington, DC 20015  
Attorneys for National Association of  
Business and Educational Radio, Inc.

David Schlotterbeck  
Executive Vice President/  
Chief Operating Officer  
Nellcor Incorporated  
25495 Whitesell Street  
Hayward, CA 94545

Stephen R. Bell  
David Alan Nall  
Squire, Sanders & Dempsey  
1201 Pennsylvania Avenue, NW  
P.O. Box 407  
Washington, DC 10044  
Attorneys for Norand Corporation

Albert H. Kramer  
Robert F. Aldrich  
Keck, Mahin & Cate  
1201 New York Avenue, NW  
Penthouse Suite  
Washington, DC 10005  
Attorneys for North American  
Telecommunications Association

Stanley M. Gorinson  
John Longstreth  
Preston Gates Ellis & Rouvelas Meeds  
Suite 500  
1735 New York Avenue, NW  
Washington, DC 20006-4759  
Attorneys for North American Teletrac  
and Location Technologies, Inc.

Jack T. Taylor  
9215 Rancho Drive  
Elk Grove, CA 94624  
Attorney for The Part 15 Coalition

David H. Phillips  
Ruth E. Phillips  
2901 Accokeek Road. West  
Accokeek, MD 20607-9645

John L. Bartlett  
David E. Hilliard  
Edward A. Yorkgitis, Jr.  
Aliza F. Katz  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 20006  
Attorneys for Pinpoint Communications, Inc.

James E. Dunstan  
Susan H. Rosenau  
Haley, Bader & Potts  
Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633  
Attorneys for Radian Corporation

Robert L. Borchardt, President  
Recoton Corporation  
2950 Lake Emma Road  
Lake Mary, FL 32746

Howard W. Reynolds  
4614 Aspen Hill Ct.  
Rockville, MD 20853

Jeffrey L. Ritter  
6959 Hovenkamp  
Fort Worth, TX 76118

Timothy Stoffel  
Secretary  
Rochester VHF Group  
P.O. Box 92122  
Rochester, NY 14692

Gerald J. Rose  
524 N. Quaker Lane  
Alexandria, VA 22304

Robert H. Schwaninger, Jr.  
Brown and Schwaninger  
1835 K Street, NW  
Suite 650  
Washington, DC 200006  
Attorneys for Saab-Scania Combitech

J. R. Beyster  
Chairman & CEO  
Science Applications International Corporation  
1241 Cave Street  
La Jolla, CA 92037

Warren G. Lavey  
James M. Fink  
Skadden, Arps, Slate, Meagher & Flom  
333 West Wacker Drive  
Chicago, Illinois 60606  
Attorneys for Sensormatic Electronics  
Corporation

William P.N. Smith  
P.O. Box 438  
No. Reading, MA 01864

Henry M. Rivera  
Larry S. Solomon  
Ginsburg, Feldman and Bress  
1250 Connecticut Ave., NW  
Suite 800  
Washington, DC 20036  
Attorneys for Southern California  
Edison Company

Gordon Schlesinger  
Radio Communications Coordinator  
Judith L. Young  
Attorney  
Southern California Gas Company  
555 West Fifth Street  
Los Angeles, CA 90013-1011

Louis Gurman  
Robert L. Hoggarth  
Gurman, Kurtis, Blask & Freedman  
1400 Sixteenth Street, NW  
Washington, DC 20036  
Attorneys for Southwestern Bell Mobile  
Systems, Inc.

Wayne Watts  
Vice President - General Attorney  
Southwestern Bell Mobile Systems, Inc.  
17330 Preston Road, Suite 100A  
Dallas, Texas 75252

Bruce B. Stwertnik  
6868 San Bernardo Cir.  
Buena Park, CA 90620

Peter Tannenwald  
Mitchell Lazarus  
Arent, Fox, Kintner, Plotkin & Kahn  
1050 Connecticut Ave., NW  
Washington, DC 10036-5339  
Attorneys for Symbol Technologies, Inc.

Debra A. Perelman  
Corporate Counsel  
Telxon Corporation  
3330 W. Market Street  
Akron, OH 44313

Yosse Atsmon, General Manager  
Tadiran Communications Systems Division  
26 Hashoftim Street  
P.O. Box 267.58  
Holon, Israel

Andrew D. Lipman  
Catherine Wang  
Swidler & Berlin  
3000 K Street, NW  
Suite 300  
Washington, DC 20007  
Attorneys for Texas Instruments Inc.  
and MFS Network Technologies, Inc.

Wray C. Hiser  
Deputy General Counsel  
Thomson Consumer Electronics, Inc.  
6225 Running Ridge Road  
Syracuse, NY 13212

Jay E. Padgett, Chairman  
Louis Mecseri, Vice Chairman  
Mobile & Personal Communications  
Consumer Radio Section  
Eric J. Schimmel, Vice President  
Telecommunications Industry Association  
Suite 800  
2001 Pennsylvania Avenue  
Washington, DC 20006

James R. Haynes  
Chief Engineer  
Uniden America Corporation  
8707 North By Northeast Blvd.  
Fishers, Indiana 46038

Jon Nelson  
Vice President of Engineering  
Uniplex Corporation  
2905 Country Drive  
St. Paul, MN 55117

Thomas J. Tiderington, Group Supervisor  
Southeast Florida Regional Task Force  
U.S. Department of Justice  
Drug Enforcement Administration  
Fort Lauderdale District Office  
1475 West Cypress Creek Road  
Suite 301  
Fort Lauderdale, FL 33309

Rosalind A. Knapp, Deputy General Counsel  
United States Department of Transportation  
400 Seventh Street  
Washington, DC 20590

United States Postal Service  
Processing and Distribution Center  
433 W. Van Buren St.  
Chicago, IL 60607-9997  
Attn: Supervisor Vehicle Operations

Jeffrey L. Sheldon  
Stan A. Stokes  
Utilities Telecommunications Council  
1140 Connecticut Avenue, NW  
Suite 1140  
Washington, DC 20036

No address was provided by the following  
Commenters and therefore the foregoing Additional Comments  
were not served on them:

Gary Adams  
Chief, Office of Telecommunications  
California Department of Transportation

John White  
Chair  
The Oregon Region Relay Council

Richard A. Aronow  
Attorney for The Port Authority of  
New York and New Jersey

James H. Walters  
Chair, PARC Legal Affairs Committee  
The Portland Amateur Radio Club

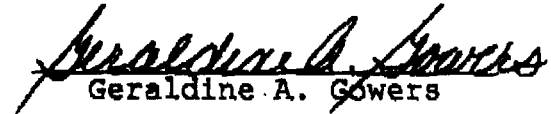
John T. Armstrong  
PROBE Science

Raymond Chin  
Chairman  
Proxim Inc.

Thomas Ohlsson  
Product Marketing Manager  
SpectrLink Corporation



Gene Single, President  
The Technology Radio Amateur Club

  
Geraldine A. Gowers

Date: March 15, 1994